

Message Text

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SUBJECT: MODIFICATION OF CHILEAN ARMS CONTROL LAW

1. SUMMARY: THE CHILEAN GOVERNMENT HAS MODIFIED ITS STRINGENT ARMS CONTROL LAW. PEOPLE CAUGHT CARRYING OR IN POSSESSION OF UNREGISTERED WEAPONS CAN NOW GET OFF SCOT-FREE OR WITH A MODEST FINE IF THEY CAN PROVE THEY DID NOT THREATEN PUBLIC ORDER. AUTHORIZED TYPES OF WEAPONS MAY BE REGISTERED DURING THE NEXT TWO MONTHS WITHOUT PENALTY FOR PREVIOUS FAILURE TO DO SO. BANNED WEAPONS MAY BE TURNED IN DURING THE NEXT THIRTY DAYS. ELIMINATING THE HERETOFORE MANDATORY PRISON SENTENCE FOR THOSE WITH UNREGISTERED WEAPONS IS SENSIBLE, BUT IT WILL BE EASIER FOR A GOC SUPPORTER THAN AN OPPONENT OF THE REGIME TO MEET THE "NON-THREATENING" TEST. END SUMMARY.

2. IN SEPTEMBER 1972, DURING THE HEYDAY OF THE UNIDAD POPULAR, THE CHILEAN MILITARY WON APPROVAL FOR A LAW REQUIRING THE REGISTRATION

OF ARMS AND MUNITIONS AND BANNING THE POSSESSION OF AUTOMATIC WEAPONS. MILITARY COURTS HAD JURISDICTION AND PRISON TERMS WERE SPECIFIED FOR VIRTUALLY EVERY VIOLATION. THE LAW WAS DESIGNED AND APPLIED AGAINST THE GROWING NUMBER OF THUGS AND VIOLENT-PRONE GROUPS OF BOTH LEFT AND RIGHT. AFTER THE 1973 COUP THE JUNTA FREQUENTLY AMENDED THE BASIC LAW, SIGNIFICANTLY INCREASING ITS

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PENALTIES. IT BECAME THE MOST COMMON BASIS FOR TRYING NATIONAL SECURITY CASES. NONETHELESS, THE TOUGH PENALTIES IN THEORY ALSO APPLIED TO PRO-GOVERNMENT SUPPORTERS AND TOTALLY APOLITICAL CITIZENS.

3. IN DECEMBER, 1977, THE GOC APPROVED THE CONSOLIDATION OF THE ARMS CONTROL LAW, INCORPORATING ALL CHANGES SINCE 1972. THE UPDATED

VERSION APPEARED IN THE OFFICIAL GAZETTE APRIL 13. ON APRIL 25, THE GAZETTE PUBLISHED A MODIFICATION OF THE REVISED LAW. NOW ANYONE POSSESSING OR CARRYING UNREGISTERED (BUT NOT BANNED) WEAPONS WILL RECEIVE A NOMINAL FINE FOR A FIRST OFFENSE (AND AND MAY BE LET OFF COMPLETELY IF SHOWN TO HAVE HAD "IRREPROACHABLE ANTECEDENTS") IF IT CAN BE CONCLUDED THAT HE DID NOT INTEND TO DISTURB PUBLIC ORDER OR ATTACK SECURITY FORCES. A TRANSITIONAL ARTICLE

PROVIDES A TWO MONTH "OPEN SEASON" TO REGISTER LEGAL WEAPONS NOT YET ALREADY OF RECORD AND A MONTH TO TURN IN BANNED WEAPONRY.

4. COMMENT: IN FACT, MANY CHILEANS ARE BELIEVED TO POSSESS UNREGISTERED WEAPONS IN THEIR HOMES. AS MODIFIED, NOT EVERYONE CAUGHT IN POSSESSION OF CARRYING SUCH GUNS GOES NECESSARILY OFF TO JAIL. TO THIS EXTENT THE NEW RULES OF THE GAME LIBERALIZE THE SITUATION. IT IS PROBABLY FAIR TO ASSUME, HOWEVER, THAT IT WILL BE EASIER FOR A GOC SUPPORTER TO ESTABLISH HIS BONA FIDES THAN FOR AN OPPONENT OF THE REGIME.

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